

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A ... segment I

LRB BILL HISTORY RESEARCH APPENDIX

The drafting file for 2013 LRB-3687/1 (For: Governor)

has been copied/added to the drafting file for

2013 LRB-3678 (For: Governor)

Are These "Companion Bills" ?? ... Yes

* These are companion bills but each drafting file contains material not contained in the other.



RESEARCH APPENDIX -

PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 11/26/2013 (Per: TJD)

The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2013 De3 DRAFTING REQUEST

Bill

Received: **11/20/2013**

Received By: **tdodge**

Wanted: **Soon**

Same as LRB:

For: **Governor 6-9709**

By/Representing: **Waylon Hurlburt**

May Contact: **LFB / LC**

Drafter: **tdodge**

Subject: **Medical Assistance**

Addl. Drafters: **jkreye
pkahler**

Extra Copies:

Submit via email: **YES**

Requester's email: **Waylon.Hurlburt@wisconsin.gov**

Carbon copy (CC) to: **pam.kahler@legis.wisconsin.gov
tamara.dodge@legis.wisconsin.gov
Brian.Larson@legis.wisconsin.gov
Grant.Cummings@legis.wisconsin.gov
Charlie.Morgan@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Delay for three months the dissolution of HIRSP and the changes to BadgerCare Plus

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 11/20/2013			_____			
/P1	tdodge	kfollett	jmurphy	_____	lparisi		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	11/24/2013	11/20/2013	11/20/2013	_____	11/20/2013		
/P2	tdodge 11/26/2013	jdye 11/26/2013	jmurphy 11/25/2013	_____ _____	lparisi 11/25/2013		State
/1			rschluet 11/26/2013	_____ _____	srose 11/26/2013	srose 11/26/2013	State

FE Sent For:

<END>

2013 De3 DRAFTING REQUEST

Bill

Received: 11/20/2013 Received By: tdodge
Wanted: Soon Same as LRB:
For: Governor 6-9709 By/Representing: Waylon Hurlburt
May Contact: LFB / LC Drafter: tdodge
Subject: Medical Assistance Addl. Drafters: jkreye
pkahler

Extra Copies:

Submit via email: YES
Requester's email: Waylon.Hurlburt@wisconsin.gov
Carbon copy (CC) to: pam.kahler@legis.wisconsin.gov
tamara.dodge@legis.wisconsin.gov
Brian.Larson@legis.wisconsin.gov
Grant.Cummings@legis.wisconsin.gov
Charlie.Morgan@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

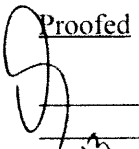
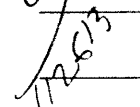
Topic:

Delay for three months the dissolution of HIRSP and the changes to BadgerCare Plus ✓

Instructions:

See attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 11/20/2013	1/26 jld	jd				
/P1	tdodge	kfollett	jmurphy		lparisi		State

Please
Jacket
For
Senate

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	11/24/2013	11/20/2013	11/20/2013	_____	11/20/2013		
/P2	tdodge	csicilia	jmurphy	_____	lparisi		State
		11/25/2013	11/25/2013	_____	11/25/2013		

FE Sent For:

<END>

2013 De3 DRAFTING REQUEST

Bill

Received: **11/20/2013** Received By: **tdodge**
Wanted: **Soon** Same as LRB:
For: **Governor** By/Representing: **Waylon Hurlburt**
May Contact: Drafter: **tdodge**
Subject: **Medical Assistance** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Waylon.Hurlburt@wisconsin.gov**
Carbon copy (CC) to: **pam.kahler@legis.wisconsin.gov**
tamara.dodge@legis.wisconsin.gov
Brian.Larson@legis.wisconsin.gov
Grant.Cumming@legis.wisconsin.gov
Charlie.Morgan@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Delaying eligibility changes to BadgerCare Plus and delaying other Medical Assistance changes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 11/20/2013			_____			
/P1	tdodge 11/24/2013	kfollett 11/20/2013	jmurphy 11/20/2013	_____	lparisi 11/20/2013		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P2		csicilia 11/25/2013	jmurphy 11/25/2013	_____	lparisi 11/25/2013		State

FE Sent For:

<END>

2013 De3 DRAFTING REQUEST

Bill

Received: **11/20/2013**

Received By: **tdodge**

Wanted: **Today**

Same as LRB:

For: **Governor**

By/Representing: **Waylon Hurlburt**

May Contact:

Drafter: **tdodge**

Subject: **Medical Assistance**

Addl. Drafters:

Extra Copies:

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Requester's email: **Waylon.Hurlburt@wisconsin.gov**
Carbon copy (CC) to: **pam.kahler@legis.wisconsin.gov**
tamara.dodge@legis.wisconsin.gov

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/?	tdodge 11/20/2013			_____			
/P1		kfollett 11/20/2013	jmurphy 11/20/2013	_____	lparisi 11/20/2013		State

FE Sent For:

P2 ys 11/25
12

<END>

Jim H
11/25/13

2013 De3 DRAFTING REQUEST

Bill

Received: 11/20/2013

Received By: tdodge

Wanted: Today

Same as LRB:

For: Governor

By/Representing: Waylon Hurlburt

May Contact:

Drafter: tdodge

Subject: Medical Assistance

Addl. Drafters:

Extra Copies:

Submit via email: YES
Requester's email: Waylon.Hurlburt@wisconsin.gov
Carbon copy (CC) to: pam.kahler@legis.wisconsin.gov
tamara.dodge@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Delaying eligibility changes to BadgerCare Plus and delaying other Medical Assistance changes ✓

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge	1/11/15 11/20		11/20			

FE Sent For:

<END>

Dodge, Tamara

From: Kahler, Pam
Sent: Tuesday, November 19, 2013 4:00 PM
To: Dodge, Tamara
Subject: FW: Drafting Instructions
Attachments: Drafting instr delay 100% v2 11 18 13 (2).docx; ATT00001.htm

Well look at this! You actually got your language before I did!

From: Hurlburt, Waylon - GOV [<mailto:Waylon.Hurlburt@wisconsin.gov>]
Sent: Tuesday, November 19, 2013 3:54 PM
To: Kahler, Pam
Cc: Zipperer, Rich - GOV; Hoelter, Jon - GOV; Moore, Kevin E - DHS; Schwartzer, Dan - OCI
Subject: Fwd: Drafting Instructions

Pam,

I understand you have the OCI language to extend HIRSP for 3 months. This is the DHS language to delay the Medicaid changes for 3 months. Can you add this and the OCI language into one bill please?

If you are not the drafter and I am mistaken can you forward this to who is?

If we could get an ETA on the draft knowing this is a rush that would be appreciated also.

Thanks a bunch Pam!

Waylon
Cell 608-630-0167

Sent from my iPhone

Begin forwarded message:

From: "Zipperer, Rich - GOV" <Rich.Zipperer@wisconsin.gov>
Date: November 19, 2013 at 10:33:44 AM EST
To: "Hoelter, Jon - GOV" <Jon.Hoelter@wisconsin.gov>, "Hurlburt, Waylon - GOV" <Waylon.Hurlburt@wisconsin.gov>, "Polzin, Cindy M - GOV" <Cindy.Polzin@wisconsin.gov>
Subject: Fwd: Drafting Instructions
Reply-To: "Zipperer, Rich - GOV" <Rich.Zipperer@wisconsin.gov>

Jon- can you please review the instructions and we cannot discuss tomorrow.

Sent from Samsung Mobile

----- Original message -----

Subject: Drafting Instructions
From: "Moore, Kevin E - DHS" <Kevin.Moore@dhs.wisconsin.gov>

11/20
Waylon gave
permission to talk
to LFB (Fiscal bureau)
and Legislative
Council.

To: "Zipperer, Rich - GOV" <Rich.Zipperer@wisconsin.gov>
Cc: "Schutt, Eric - GOV" <Eric.Schutt@wisconsin.gov>, "O'Day, Renee C - DHS" <Renee.ODay@dhs.wisconsin.gov>

Per conversations last week, attached are the Department's recommendations for the MA portion of the 3-month delay.

Please let me know if you have any questions on this proposal.

Kevin Moore
Deputy Secretary
Department of Health Services
Office of the Secretary
1 West Wilson Street, Room 650
Madison, WI 53702

Phone: 608-266-9622
Fax: 608-266-7882

NOTICE: This E-mail and any attachments may contain confidential information. Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations and agreements. If you receive this E-mail in error, please notify the sender; delete the E-mail; and do not use, disclose or store the information it contains.

Begin forwarded message:

From: "Rowe, Sandra M - DHS" <SandraM.Rowe@dhs.wisconsin.gov>
Date: November 18, 2013 at 4:38:44 PM CST
To: "Moore, Kevin E - DHS" <Kevin.Moore@dhs.wisconsin.gov>

Sandra M. Rowe
Chief Legal Counsel
Department of Health Services

NOTICE: This e-mail and any attachments may contain confidential information and/or information protected by the attorney-client privilege. Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations, and agreements. If you received this e-mail in error, please notify me; delete this e-mail; and do not use, disclose, or store the information it contains.

DRAFTING INSTRUCTIONS

1. Delay implementation of the change from 200% of FPL to 100% of FPL until April 1, 2014 for parents and caretakers.

Modify s. 49.471(4)(a)4.b., effective on publication (no later than December 31, 2013):

~~Except as provided in sub. (4m),~~ The individual's family income does not exceed 400-200 percent of the poverty line ~~before application of the 5 percent income disregard under 42 CFR 435.603(d),~~ and beginning April 1, 2014 does not exceed 100 percent of the poverty line before application of the 5 percent income disregard under 42 CR 435.603(d).

2. Maintain the existing childless adults waiver through March 31, 2014 and then authorize that a waiver in effect on and after April 1, 2014 cover childless adults at 100% of the FPL.

Repeal 49.45(23)(a) as affected by s. 1046 of 2013 Wisconsin Act 20.

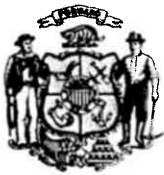
Modify s. 49.45(23)(a), effective April 1, 2014:*

The department shall request a waiver from the secretary of the federal department of health and human services to permit the department to conduct a demonstration project to provide health care coverage ~~for basic primary and preventive care~~ to adults who are under the age of 65, who have family incomes not to exceed 200 100 percent of the poverty line before application of the 5 percent income disregard under 42 CFR 435.603(d) and who are not otherwise eligible for medical assistance under this subchapter, the Badger Care health care program under 49.665, or Medicare under 42 USC 1395 et seq. If the department creates a policy under sub. (2m)(c)(10)., this paragraph does not apply to the extent that it conflicts with the policy.

3. Repeal s. 49.471(4m) in its entirety.
4. Delay the effective dates in s. 9418 of 2013 Wisconsin Act 20 so that changes related to the following take effect on April 1, 2014:**
 - a. Use of MAGI income counting rules
 - b. BadgerCare Plus benchmark services and eligibility
 - c. Badger Rx Gold
 - d. BadgerCare Basic
 - e. Eligibility determinations for BadgerCare Plus self-employed
 - f. Children over 300% of FPL

* Note that the delay in opening up childless adults coverage has appropriations implications for the Department of Corrections plan to use coverage for inmates in inpatient care.

** The Act 20 change raising the age to 26 of children leaving foster care [49.471(4)(a)5] should not be delayed.



State of Wisconsin
2013 - 2014 LEGISLATURE

December 2013 Special Session



LRB-3687/P1

TJD: k f

RMR

In: 11/20 (Due Today)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

Gen

- 1 **AN ACT**...; relating to: delaying eligibility changes to BadgerCare Plus and
2 BadgerCare Plus Core and delaying other changes to the Medical Assistance
3 program.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 **SECTION 1.** 49.45 (23) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
5 (section 1046,
is repealed and recreated to read:
6 49.45 (23) (a) The department shall request a waiver from the secretary of the
7 federal department of health and human services to permit the department to
8 conduct a demonstration project to provide health care coverage to adults who are

1 under the age of 65, who have family incomes not to exceed 100 percent of the poverty
2 line before application of the 5 percent income disregard under 42 CFR 435.603 (d),
3 and who are not otherwise eligible for medical assistance under this subchapter, the
4 Badger Care health care program under s. 49.665, or Medicare under 42 USC 1395
5 et seq. If the department creates a policy under sub. (2m) (c) 10., this paragraph does
6 not apply to the extent that it conflicts with the policy.

NOTE: NOTE: Par. (a) is shown as amended eff. 1-1-14 by 2013 Wis. Act 20. Prior to 1-1-14 it reads: NOTE:

(a) The department shall request a waiver from the secretary of the federal department of health and human services to permit the department to conduct a demonstration project to provide health care coverage for basic primary and preventive care to adults who are under the age of 65, who have family incomes not to exceed 200 percent of the poverty line, and who are not otherwise eligible for medical assistance under this subchapter, the Badger Care health care program under s. 49.665, or Medicare under 42 USC 1395 et seq. If the department creates a policy under sub. (2m) (c) 10., this paragraph does not apply to the extent that it conflicts with the policy.

NOTE: NOTE: Par. (a) is repealed and recreated eff. 1-1-15 by 2013 Wis. Act 20 to read: NOTE:

(a) The department shall request a waiver from the secretary of the federal department of health and human services to permit the department to conduct a demonstration project to provide health care coverage to adults who are under the age of 65, who have family incomes not to exceed 100 percent of the poverty line before application of the 5 percent income disregard under 42 CFR 435.603 (d) and except as provided in s. 49.471 (4m), and who are not otherwise eligible for medical assistance under this subchapter, the Badger Care health care program under s. 49.665, or Medicare under 42 USC 1395 et seq.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342; 2011 a. 10, 32, 120, 126, 158, 192, 209, 258; 2011 a. 260 s. 81; 2013 a. 20; s. 13.92 (1) (bm) 2.

****NOTE: Please note that this language will take effect on April 1, 2014, due to the delayed effective date in this draft. The provision had to be repealed and recreated on that date to remove the reference to s. 49.471 (4m).

16 SECTION 2. 49.471 (4) (a) 4. b. of the statutes, as affected by 2013 Wisconsin Act
17 20, is repealed and recreated to read:
18 49.471 (4) (a) 4. b. The individual's family income does not exceed 100 percent
19 of the poverty line before application of the 5 percent income disregard under 42 CFR
20 435.603 (d).

NOTE: NOTE: Subdpar. b. is shown as amended eff. 1-1-14 by 2013 Wis. Act 20. Prior to 1-1-14 it reads: NOTE:

b. Except as provided in subd. 4. c., the individual's family income does not exceed 200 percent of the poverty line and does not include self-employment income.

History: 2007 a. 20; 2009 a. 28, 180, 219; 2011 a. 10, 32; 2013 a. 20.

****NOTE: Please note that this language will take effect on April 1, 2014, due to the delayed effective date in this draft. The provision had to be repealed and recreated on that date to remove the reference to s. 49.471 (4m).

SECTION 3. 49.471 (4m) of the statutes is repealed.

SECTION 4. 2013 Wisconsin Act 20, Section 9418 (7) of the statutes is amended

to read:

1 [2013 Wisconsin Act 20] Section 9418 (7) PATIENT PROTECTION AND AFFORDABLE
2 CARE ACT CHANGES. The treatment of sections 49.45 (23) (a) (by SECTION 1046), (b) (by
3 SECTION 1048), and (e), 49.46 (1) (a) 15., 49.47 (4) (a) 1. and (c) 1. and 3., 49.471 (1)
4 (f), (2), (3) (a) 1. and 3., (4) (a) 4. a., b., and c., and 5. and (b) (intro.), 1., 1m., 2., 3., and
5 4., (6) (d), (7) (a), (b) 1. and 2. and (e), (8) (d) 1. b., (9) (a) 2. b., and (10) (b) 1. (by SECTION
6 1143) and 4. b., 49.84 (6) (c) 1. d., and 66.0137 (3) of the statutes, the repeal of section
7 49.471 (7) (c) of the statutes, and SECTION 9318 (14) of this act take effect on January
8 April 1, 2014.

****NOTE: Please note that this provision also delays the effective date for the initial applicability provision for the changes related to modified adjusted gross income. The initial applicability provision provided that use of modified adjusted gross income does not apply to current recipients of Medical Assistance until a redetermination of eligibility on April 1, 2014, or later. Should the initial applicability be changed such that modified adjusted gross income calculations do not apply to current recipients until later than April 1, 2014.⁷

****NOTE: Please confirm that the benchmark services and eligibility that the request to delay pertains to is the benchmark plan under s. 49.471 (4) (b) and not the alternate benchmark plan under s. 49.471 (11r). This draft does not change alter any provisions for the alternate benchmark plan.

action Act 9

SECTION 5. 2013 Wisconsin Act 20, Section 9418 (7m) of the statutes is created
10 to read:

11 [2013 Wisconsin Act 20] Section 9418 (7m) CHILDLESS ADULT WAIVER; MEDICAL
12 ASSISTANCE FOR THE MEDICALLY INDIGENT; ELIGIBILITY FOR THOSE LEAVING FOSTER CARE.
13 The treatment of sections 49.45 (23) (b) (by SECTION 1048), 49.47 (4) (c) 1. and 3., and
14 49.471 (4) (a) 5. of the statutes of this act takes effect on January 1, 2014.

****NOTE: In addition to the eligibility for individuals leaving foster care, there are a couple of other changes that did not seem to fit into the categories of changes to be delayed until April 1, 2014. Please review this new effective date provision for the budget to ensure that these changes should go into effect January 1.

action Act 15

SECTION 6. 2013 Wisconsin Act 20, Section 9418 (9) of the statutes is amended
16 to read:

1 [2013 Wisconsin Act 20] Section 9418 (9) BADGERCARE PLUS BENCHMARK
2 ELIGIBILITY; BADGER RX GOLD; BADGERCARE BASIC. The treatment of sections 20.435
3 (4) (a), (bm), (jw), and (jz), 49.471 (4) (c), (10) (b) 5. (by ^{CS}SECTION 1152), and (11) (a),
4 49.67, 146.45, 227.01 (13) (ur), and 227.42 (7) of the statutes takes effect on January
5 April 1, 2014.

6 **SECTION 7. Effective dates.** This act takes effect on the day after publication,
7 except as follows:

8 (1) The treatment of sections 49.45 (23) (a) (by SECTION 1) and 49.471 (4) (a) 4. b. of the statutes
9 takes effect on April 1, 2014.

10 (END)

Insert 4-10

D-note

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3687/P1ins
TJD:.....

1 INSERT 2-16 AutoRef B 4
2 ~~SECTION 49.45~~ (23) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
3 section 1047, and 2013 Wisconsin Act (this act), is repealed and recreated to read:
4 49.45 (23) (a) The department shall request a waiver from the secretary of the
5 federal department of health and human services to permit the department to
6 conduct a demonstration project to provide health care coverage to adults who are
7 under the age of 65, who have family incomes not to exceed 100 percent of the poverty
8 line before application of the 5 percent income disregard under 42 CFR 435.603 (d),
9 and who are not otherwise eligible for medical assistance under this subchapter, the
10 Badger Care health care program under s. 49.665, or Medicare under 42 USC 1395
11 et seq.

History: 2013 a. 20.

(END INSERT 2-16)

12 # INSERT 4-10 AutoRef B
13 ① The treatment of section 49.45 (23) (a) (by SECTION 4) of the statutes takes
14 effect on January 1, 2015.

(END INSERT 4-10)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3687/P1dn
TJD: *ef*

Date

To Waylon Hurlburt:

Please review this preliminary draft to ensure it complies with your intent.

This draft does not contain any language requiring federal approval or making any of the delays contingent on federal approval. Should any language regarding federal approval be added to this draft?

I assume that the underlying plan for this drafting request takes the waiting list for the BadgerCare Plus Core program (Core) into account. I do not believe there is a statutory or nonstatutory law authorizing or describing the waiting list, which means that anyone reading the statute assumes that childless adults with incomes up to 200% of the poverty line are eligible for benefits. This draft does not specify that the individuals eligible for continued benefits in the Core program through April 1, 2014, are only those who were receiving benefits as of December 31, 2013, which is what I assume is the intent of this draft. Should there be language added to this draft to specify this?

parent ~~Is it also the intent that~~ for parents and caretaker relatives who have incomes between 100% and 200% of the federal poverty line *are* only those who are already receiving Medical Assistance benefits *are* able to continue those benefits? I imagine that parents and caretaker relatives who meet the current eligibility criteria for BadgerCare Plus but are not currently enrolled may try to sign up for a plan through the exchange after January 1. If the intent is not to cover those individuals for those months, should there be something added to the draft to specify that?

Should you have any questions or redraft instructions, please contact me.

Tamara J. Dodge
Legislative Attorney
Phone: (608) 267-7380
E-mail: tamara.dodge@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3687/P1dn
TJD:kjf:jm

November 20, 2013

To Waylon Hurlburt:

Please review this preliminary draft to ensure it complies with your intent.

This draft does not contain any language requiring federal approval or making any of the delays contingent on federal approval. Should any language regarding federal approval be added to this draft?

I assume that the underlying plan for this drafting request takes the waiting list for the BadgerCare Plus Core program (Core) into account. I do not believe there is a statutory or nonstatutory law authorizing or describing the waiting list, which means that anyone reading the statute assumes that childless adults with incomes up to 200 percent of the poverty line are eligible for benefits. This draft does not specify that the individuals eligible for continued benefits in the Core program through April 1, 2014, are only those who were receiving benefits as of December 31, 2013, which is what I assume is the intent of this draft. Should there be language added to this draft to specify this?

For parents and caretaker relatives who have incomes between 100 percent and 200 percent of the federal poverty line, are only those who are already receiving Medical Assistance benefits able to continue those benefits? I imagine that parents and caretaker relatives who meet the current eligibility criteria for BadgerCare Plus but are not currently enrolled may try to sign up for a plan through the exchange after January 1. If the intent is not to cover those individuals for those months, should there be something added to the draft to specify that?

Should you have any questions or redraft instructions, please contact me.

Tamara J. Dodge
Legislative Attorney
Phone: (608) 267-7380
E-mail: tamara.dodge@legis.wisconsin.gov

Dodge, Tamara

From: Dodge, Tamara
Sent: Thursday, November 21, 2013 11:22 AM
To: Hurlburt, Waylon - GOV
Cc: Zipperer, Rich - GOV
Subject: Special Session Bill - BadgerCare Plus Basic.

Waylon,

I am starting to write the analysis for the Medical Assistance / BadgerCare portion of the special session requests in the interest of saving time and I noticed an issue with BadgerCare Plus Basic. By statute, under s. 49.67 (9m), the BadgerCare Plus Basic program terminates on January 1, 2014. Regardless of the repeal in the budget, Basic cannot legally operate after January 1, 2014. In the special session request, the repeal of BadgerCare Plus Basic is delayed along with other budget provisions, which would then do nothing except keep the language in the statute.

If you intend for people on the Core waiting list to be able to obtain services through Basic from January 1, 2014, to April 1, 2014, LRB-3687 will need to include a repeal of s. 49.67 (9m).

Sorry I did not catch that sooner. If you have any questions, feel free to contact me. I will be in the office until about 1:00pm today and then will be checking email occasionally through the afternoon and evening.

Tami

Tamara J. Dodge

Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

11/21 Telephone conference
w/ Waylon
Repeal 49.67(9m)
in the next version of
the draft.

Dodge, Tamara

From: Rowe, Sandra M - DHS <SandraM.Rowe@dhs.wisconsin.gov>
Sent: Friday, November 22, 2013 3:09 PM
To: Dodge, Tamara
Cc: Malofsky, Shelley F - DHS; Moore, Kevin E - DHS; O'Day, Renee C - DHS
Subject: LRB 3687/P1-FPL Extension

Tammy-

DHS OLC has reviewed the draft and we have the following comments:

We want to make sure that the current Core authority at s. 49.45(23)(a) will be intact after your repeal and recreate under Section 1 of the draft. In other words, we need to make sure we retain the authority to cover Core members up to 200% from January 1-April 1, 2014. *-D-note*

In Section 5, please remove s. 49.471(2) from the delay. We want the discretion to use GPR for BadgerCare Plus Benchmark removed effective January 1, 2014.

Please amend s. 49.67(9m) to delay termination of the Basic Plan until April 1, 2014. *-repealed*

In response to your notes within the draft, as to the second note on page 3, the initial applicability for MAGI should not be extended later than April 1, 2014. Your draft is correct. ✓

Your next note on page 3 asked that we confirm that the alternate benchmark plan should remain effective January 1, 2014. We confirm that it should. ✓

As to your note on page 4, you are correct that it is a January 1, 2014 effective date. ✓

In response to your Drafter's Notes:

We do not want federal approval to be required. ✓

The cap will remain on Core through the waiver. We do not need statutory language to accomplish that. ✓

Lastly, we intend that new parents and caretakers up to 200% can enroll prior to April 1, 2014. ✓

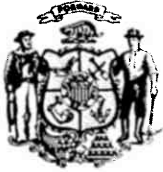
Please contact me at 266-0355 if you have questions or concerns.

Thank you!

Sandy

Sandra M. Rowe
Chief Legal Counsel
Department of Health Services

NOTICE: This e-mail and any attachments may contain confidential information and/or information protected by the attorney-client privilege. Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations, and agreements. If you received this e-mail in error, please notify me; delete this e-mail; and do not use, disclose, or store the information it contains.



State of Wisconsin
2013 - 2014 LEGISLATURE

December 2013 Special Session



LRB-3687/P1

TJD:kjfm

P2

RMR

& cjs

In: 11/24

Due Monday
11/25 ASAP

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

Gen Cat

1 AN ACT *to repeal* 49.471 (4m); *to repeal and recreate* 49.45 (23) (a), 49.45 (23)
2 (a) and 49.471 (4) (a) 4. b. of the statutes; and *to affect* 2013 Wisconsin Act 20,
3 section 9418 (7), 2013 Wisconsin Act 20, section 9418 (7m) and 2013 Wisconsin
4 Act 20, section 9418 (9); **relating to:** delaying eligibility changes to BadgerCare
5 Plus and BadgerCare Plus Core and delaying other changes to the Medical
6 Assistance program.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 49.45 (23) (a) of the statutes, as affected by 2013 Wisconsin Act 20, section 1046, is repealed and recreated to read:

Insert
Analysis

add
space
between
the

FF
and the
rest of
the analysis
7
8

1 49.45 (23) (a) The department shall request a waiver from the secretary of the
2 federal department of health and human services to permit the department to
3 conduct a demonstration project to provide health care coverage to adults who are
4 under the age of 65, who have family incomes not to exceed 100 percent of the poverty
5 line before application of the 5 percent income disregard under 42 CFR 435.603 (d),
6 and who are not otherwise eligible for medical assistance under this subchapter, the
7 Badger Care health care program under s. 49.665, or Medicare under 42 USC 1395
8 et seq. If the department creates a policy under sub. (2m) (c) 10., this paragraph does
9 not apply to the extent that it conflicts with the policy.

****NOTE: Please note that this language will take effect on April 1, 2014, due to
the delayed effective date in this draft. The provision had to be repealed and recreated
on that date to remove the reference to s. 49.471 (4m).

10 **SECTION 2.** 49.45 (23) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
11 section 1047, and 2013 Wisconsin Act (this act), is repealed and recreated to read:

12 49.45 (23) (a) The department shall request a waiver from the secretary of the
13 federal department of health and human services to permit the department to
14 conduct a demonstration project to provide health care coverage to adults who are
15 under the age of 65, who have family incomes not to exceed 100 percent of the poverty
16 line before application of the 5 percent income disregard under 42 CFR 435.603 (d),
17 and who are not otherwise eligible for medical assistance under this subchapter, the
18 Badger Care health care program under s. 49.665, or Medicare under 42 USC 1395
19 et seq.

20 **SECTION 3.** 49.471 (4) (a) 4. b. of the statutes, as affected by 2013 Wisconsin Act
21 20, is repealed and recreated to read:

1 49.471 (4) (a) 4. b. The individual's family income does not exceed 100 percent
2 of the poverty line before application of the 5 percent income disregard under 42 CFR
3 435.603 (d).

****NOTE: Please note that this language will take effect on April 1, 2014, due to the delayed effective date in this draft. The provision had to be repealed and recreated on that date to remove the reference to s. 49.471 (4m).

4 **SECTION 4.** 49.471 (4m) of the statutes, as created by 2013 Wisconsin Act 20,
5 is repealed.

6 **SECTION 5.** 2013 Wisconsin Act 20, section 9418 (7) is amended to read:

7 [2013 Wisconsin Act 20] Section 9418 (7) PATIENT PROTECTION AND AFFORDABLE
8 CARE ACT CHANGES. The treatment of sections 49.45 (23) (a) (by SECTION 1046), (b) (by

9 SECTION 1048), and (e), 49.46 (1) (a) 15., 49.47 (4) (a) 1. and (c) 1. and 3., 49.471 (1)

10 (f), ~~(2)~~ (3) (a) 1. and 3., (4) (a) 4. a., b., and c., ~~and 5.~~ and (b) (intro.), 1., 1m., 2., 3., and
11 4., (6) (d), (7) (a), (b) 1. and 2. and (e), (8) (d) 1. b., (9) (a) 2. b., and (10) (b) 1. (by SECTION

12 1143) and 4. b., 49.84 (6) (c) 1. d., and 66.0137 (3) of the statutes, the repeal of section

13 49.471 (7) (c) of the statutes, and SECTION 9318 (14) of this act take effect on January

14 April 1, 2014.

****NOTE: Please note that this provision also delays the effective date for the initial applicability provision for the changes related to modified adjusted gross income. The initial applicability provision provided that use of modified adjusted gross income does not apply to current recipients of Medical Assistance until a redetermination of eligibility on April 1, 2014, or later. Should the initial applicability be changed such that modified adjusted gross income calculations do not apply to current recipients until later than April 1, 2014?

****NOTE: Please confirm that the benchmark services and eligibility that the request to delay pertains to is the benchmark plan under s. 49.471 (4) (b) and not the alternate benchmark plan under s. 49.471 (11r). This draft does not change alter any provisions for the alternate benchmark plan.

15 **SECTION 6.** 2013 Wisconsin Act 20, section 9418 (7m) is created to read:

16 [2013 Wisconsin Act 20] Section 9418 (7m) CHILDLESS ADULT WAIVER; MEDICAL

17 ASSISTANCE FOR THE MEDICALLY INDIGENT; ELIGIBILITY FOR THOSE LEAVING FOSTER CARE.

(2) and

1 The treatment of sections 49.45 (23) (b) (by SECTION 1048), 49.47 (4) (c) 1. and 3., and
2 49.471 (4) (a) 5. of the statutes takes effect on January 1, 2014.

****NOTE: In addition to the eligibility for individuals leaving foster care, there are a couple of other changes that did not seem to fit into the categories of changes to be delayed until April 1, 2014. Please review this new effective date provision for the budget to ensure that these changes should go into effect January 1.

3 SECTION 7. 2013 Wisconsin Act 20, section 9418 (9) is amended to read:

4 [2013 Wisconsin Act 20] Section 9418 (9) BADGERCARE PLUS BENCHMARK
5 ELIGIBILITY; BADGER RX GOLD; BADGERCARE BASIC. The treatment of sections 20.435
6 (4) (a), (bm), (jw), and (jz), 49.471 (4) (c), (10) (b) 5. (by SECTION 1152), and (11) (a),
7 49.67, 146.45, 227.01 (13) (ur), and 227.42 (7) of the statutes takes effect on January
8 April 1, 2014.

9 SECTION 8. Effective dates. This act takes effect on the day after publication,
10 except as follows:

11 (1) The treatment of sections 49.45 (23) (a) (by SECTION 1) and 49.471 (4) (a) 4.
12 b. of the statutes takes effect on April 1, 2014.

13 (2) The treatment of section 49.45 (23) (a) (by SECTION 2) of the statutes takes
14 effect on January 1, 2015.

15

(END)

D-note

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3687/P2ins
TJD:.....

1

INSERT ANALYSIS

MEDICAL ASSISTANCE

Currently, the Department of Health Services (DHS) administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health services to individuals who have limited resources. Some services are provided through programs that operate under a waiver of federal Medicaid laws, including services provided through the BadgerCare Plus (BC+) and BadgerCare Plus Core (BC+ Core) programs. Under current law, BC+ provides health and medical services to eligible recipients and has a standard plan with a larger set of benefits and a Benchmark plan with fewer benefits. The 2013-2015 biennial budget act, 2013 Wisconsin Act 20 (Act 20), make changes to BC+, BC+ Core, and MA, and some of those changes are not in effect until January 1, 2014.

Under current law, unless DHS has a policy that conflicts with current state law eligibility requirements, certain individuals are eligible for benefits under the BC+ standard plan. Beginning on January 1, 2014, Act 20 reduces the income eligibility level for the BC+ standard plan for parents and caretaker relatives from not more than 200 percent of the FPL to not more than 100 percent of the FPL before a five percent income disregard is applied. Act 20 also defines, beginning on January 1, 2014, for purposes of eligibility of a parent or caretaker relative, a "dependent child." In addition, Act 20 eliminates distinction between self-employment income and other income. This bill delays the effective date of these changes enacted in Act 20 from January 1, 2014, to April 1, 2014.

Under current law, certain individuals are eligible for benefits under the BC+ Benchmark plan including pregnant women whose family income exceeds 200 percent but does not exceed 300 percent of the FPL and children under one year of age of those women; certain other pregnant women; children whose family income exceeds 200 percent but does not exceed 300 percent of the FPL; and parents or caretaker relatives whose family income includes self-employment income and does not exceed 200 percent of the FPL under a certain calculation. Act 20, beginning on January 1, 2014, provides benefits under the standard plan to the pregnant women and children who are currently eligible for the BC+ Benchmark plan. Under Act 20, parents and caretaker relatives are covered only under the standard plan. Certain individuals, under current law, may pay the full member per month cost of coverage to receive benefits under the Benchmark plan. On January 1, 2014, Act 20 eliminates the ability for children whose family incomes exceed 300 percent of the FPL to receive Benchmark plan benefits. This bill delays the effective date of these changes enacted in Act 20 from January 1, 2014, to April 1, 2014.

Under current law, BC+ Core provides basic primary and preventive care to eligible individuals. Adults who are under age 65, who have family incomes that do not exceed 200 percent of the FPL, and who are not otherwise eligible for MA, including BC+, are eligible for benefits under BC+ Core. Beginning January 1, 2014, Act 20 allows only those individuals whose family incomes do not exceed 100 percent

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✓ of the FPL, before a 5 percent income disregard is applied, to be eligible for BC+ Core.
✓ Act 20 removes limitations on the benefits provided to individuals in BC+ Core and,
✓ thus, allows DHS to provide standard plan benefits to these individuals. This bill
✓ delays the effective date of these changes enacted in Act 20 from January 1, 2014,
to April 1, 2014.

✓ Under current law, family income is the total gross earned and unearned
✓ income received by all members of a family. Beginning on January 1, 2014, under
✓ Act 20, for purposes of determining eligibility for BC+ and BC+ Core, family income
✓ has the meaning given for household income under a federal regulation, which uses
an income calculation based on modified adjusted gross income. Act 20 also requires
DHS, beginning on January 1, 2014, to apply the definition of household in federal
regulations. Act 20 also makes other changes to ^{the} calculation of income and family size
for BC+ and BC+ Core on January 1, 2014. This bill delays the effective date of these
changes enacted in Act 20 from January 1, 2014, to April 1, 2014.

✓ DHS also currently administers the BadgerCare Plus Basic (BC+ Basic) plan,
✓ which is not an MA program but is funded by premiums paid by plan participants.
To be eligible for the BC+ Basic plan, an individual must be on the waiting list for
BC+ Core. BC+ Basic provides health care benefits that do not exceed those benefits
provided by BC+ Core. Under current law, BC+ Basic terminates on January 1, 2014,
and Act 20 repeals the BC+ Basic statutory language on that same date. The bill
eliminates the statutory termination date and delays the repeal of BC+ Basic
enacted in Act 20 until April 1, 2014.

✓ Under current law, DHS is required to develop a purchasing pool, known as
✓ Badger Rx Gold, for pharmacy benefits and set eligibility requirements to obtain
prescription drug coverage through the purchasing pool. Current law allows DHS
to contract with an entity to operate the purchasing pool, which is not an MA
program. The bill eliminates the purchasing pool, Badger Rx Gold.

Act 20

(END INSERT ANALYSIS)

On January 1, 2014

1 INSERT 3-6

2 SECTION 1. 49.67 (9m) of the statutes, as affected by 2013 Wisconsin Act 20, is

3 repealed.

(END INSERT 3-6)

The bill delays the elimination of Badger Rx Gold until
April 1, 2014.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3687/P2dn

TJD:.....

y's

Date

To Waylon Hurlburt:

Please review this preliminary draft to ensure it complies with your intent. I have no questions on this version of the draft. I have just drafted it as a preliminary draft because it has not yet been combined with the other portion of the special session draft. ✓

Sandy Rowe of the Department of Health Services, in her email, wanted to confirm the timing of the changes to the BadgerCare Plus Core (Core) program, especially regarding the first section of the draft. Currently, the language in s. 49.45 (23) (a) allows coverage of individuals whose income is up to 200 percent of the federal poverty line through Core. The budget bill would have reduced income eligibility for Core to 100 percent of the federal poverty line on January 1, 2014, except (this draft amends 2013 Wisconsin Act 20, section 9418 (7) to delay that change until April 1, 2014. That means that current law applies until April 1, 2014. On that same day, April 1, 2014, s. 49.45 (23) (a) is repealed and recreated for the purpose of removing the cross-reference to s. 49.471 (4m), known as the "off-ramp." Then, the second section of the draft repeals and recreates s. 49.45 (23) (a) again on January 1, 2015, to remove the language from 2011 Wisconsin Act 32 relating to the ability to create a policy that would supersede law. To summarize, no changes occur to the language in s. 49.45 (23) (a) until April 1, 2014, and the current law language applies until that time, which includes the income eligibility up to 200 percent. Please contact me, or have someone from the Department of Health Services contact me, if there are still questions about the timing of the changes in this draft. that

Should you have any questions or redraft instructions, please contact me.

Tamara J. Dodge
Legislative Attorney
Phone: (608) 267-7380
E-mail: tamara.dodge@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3687/P2dn
TJD:cjs:jm

November 25, 2013

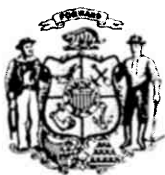
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Tamara J. Dodge
Legislative Attorney
Phone: (608) 267-7380
E-mail: tamara.dodge@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE
December 2013 Special Session



LRB-3687/P2
TJD:kjf&cjs:jm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 49.471 (4m) and 49.67 (9m); *to repeal and recreate* 49.45 (23)
2 (a), 49.45 (23) (a) and 49.471 (4) (a) 4. b. of the statutes; and *to affect* 2013
3 Wisconsin Act 20, section 9418 (7), 2013 Wisconsin Act 20, section 9418 (7m)
4 and 2013 Wisconsin Act 20, section 9418 (9); **relating to:** delaying eligibility
5 changes to BadgerCare Plus and BadgerCare Plus Core and delaying other
6 changes to the Medical Assistance program.

Analysis by the Legislative Reference Bureau

MEDICAL ASSISTANCE

Currently, the Department of Health Services (DHS) administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health services to individuals who have limited resources. Some services are provided through programs that operate under a waiver of federal Medicaid laws, including services provided through the BadgerCare Plus (BC+) and BadgerCare Plus Core (BC+ Core) programs. Under current law, BC+ provides health and medical services to eligible recipients and has a standard plan with a larger set of benefits and a Benchmark plan with fewer benefits. The 2013-2015 biennial budget act, 2013 Wisconsin Act 20 (Act 20), make changes to BC+, BC+ Core, and MA, and some of those changes are not in effect until January 1, 2014.

Under current law, unless DHS has a policy that conflicts with current state law eligibility requirements, certain individuals are eligible for benefits under the BC+

standard plan. Beginning on January 1, 2014, Act 20 reduces the income eligibility level for the BC+ standard plan for parents and caretaker relatives from not more than 200 percent of the federal poverty line (FPL) to not more than 100 percent of the FPL before a 5 percent income disregard is applied. Act 20 also defines, beginning on January 1, 2014, for purposes of eligibility of a parent or caretaker relative, a "dependent child." In addition, Act 20 eliminates the distinction between self-employment income and other income. This bill delays the effective date of these changes enacted in Act 20 from January 1, 2014, to April 1, 2014.

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Under current law, BC+ Core provides basic primary and preventive care to eligible individuals. Adults who are under age 65, who have family incomes that do not exceed 200 percent of the FPL, and who are not otherwise eligible for MA, including BC+, are eligible for benefits under BC+ Core. Beginning January 1, 2014, Act 20 allows only those individuals whose family incomes do not exceed 100 percent of the FPL, before a 5 percent income disregard is applied, to be eligible for BC+ Core. Act 20 removes limitations on the benefits provided to individuals in BC+ Core and, thus, allows DHS to provide standard plan benefits to these individuals. This bill delays the effective date of these changes enacted in Act 20 from January 1, 2014, to April 1, 2014.

Under current law, family income is the total gross earned and unearned income received by all members of a family. Beginning on January 1, 2014, under Act 20, for purposes of determining eligibility for BC+ and BC+ Core, family income has the meaning given for household income under a federal regulation, which uses an income calculation based on modified adjusted gross income. Act 20 also requires DHS, beginning on January 1, 2014, to apply the definition of household in federal regulations to determinations of income. Act 20 also makes other changes to the calculation of income and family size for BC+ and BC+ Core on January 1, 2014. This bill delays the effective date of these changes enacted in Act 20 from January 1, 2014, to April 1, 2014.

DHS also currently administers the BadgerCare Plus Basic (BC+ Basic) plan, which is not an MA program but is funded by premiums paid by plan participants.

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Under current law, DHS is required to develop a purchasing pool, known as Badger Rx Gold, for pharmacy benefits and set eligibility requirements to obtain prescription drug coverage through the purchasing pool. Current law allows DHS to contract with an entity to operate the purchasing pool, which is not an MA program. Act 20 eliminates the purchasing pool, Badger Rx Gold, on January 1, 2014. The bill delays the elimination of Badger Rx Gold until April 1, 2014.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.45 (23) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
2 section 1046, is repealed and recreated to read:

3 49.45 (23) (a) The department shall request a waiver from the secretary of the
4 federal department of health and human services to permit the department to
5 conduct a demonstration project to provide health care coverage to adults who are
6 under the age of 65, who have family incomes not to exceed 100 percent of the poverty
7 line before application of the 5 percent income disregard under 42 CFR 435.603 (d),
8 and who are not otherwise eligible for medical assistance under this subchapter, the
9 Badger Care health care program under s. 49.665, or Medicare under 42 USC 1395
10 et seq. If the department creates a policy under sub. (2m) (c) 10., this paragraph does
11 not apply to the extent that it conflicts with the policy.

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13 section 1047, and 2013 Wisconsin Act (this act), is repealed and recreated to read:

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2 federal department of health and human services to permit the department to
3 conduct a demonstration project to provide health care coverage to adults who are
4 under the age of 65, who have family incomes not to exceed 100 percent of the poverty
5 line before application of the 5 percent income disregard under 42 CFR 435.603 (d),
6 and who are not otherwise eligible for medical assistance under this subchapter, the
7 Badger Care health care program under s. 49.665, or Medicare under 42 USC 1395
8 et seq.

9 **SECTION 3.** 49.471 (4) (a) 4. b. of the statutes, as affected by 2013 Wisconsin Act
10 20, is repealed and recreated to read:

11 49.471 (4) (a) 4. b. The individual's family income does not exceed 100 percent
12 of the poverty line before application of the 5 percent income disregard under 42 CFR
13 435.603 (d).

14 **SECTION 4.** 49.471 (4m) of the statutes, as created by 2013 Wisconsin Act 20,
15 is repealed.

16 **SECTION 5.** 49.67 (9m) of the statutes is repealed.

17 **SECTION 6.** 2013 Wisconsin Act 20, section 9418 (7) is amended to read:

18 [2013 Wisconsin Act 20] Section 9418 (7) PATIENT PROTECTION AND AFFORDABLE
19 CARE ACT CHANGES. The treatment of sections 49.45 (23) (a) (by SECTION 1046), ~~(b) (by~~
20 ~~SECTION 1048)~~, and (e), 49.46 (1) (a) 15., 49.47 (4) (a) 1. ~~and (c) 1. and 3.~~, 49.471 (1)
21 (f), ~~(2),~~ (3) (a) 1. and 3., (4) (a) 4. a., b., and c., ~~and 5.~~ and (b) (intro.), 1., 1m., 2., 3., and
22 4., (6) (d), (7) (a), (b) 1. and 2. and (e), (8) (d) 1. b., (9) (a) 2. b., and (10) (b) 1. (by SECTION
23 1143) and 4. b., 49.84 (6) (c) 1. d., and 66.0137 (3) of the statutes, the repeal of section
24 49.471 (7) (c) of the statutes, and SECTION 9318 (14) of this act take effect on January
25 April 1, 2014.

1 **SECTION 7.** 2013 Wisconsin Act 20, section 9418 (7m) is created to read:

2 [2013 Wisconsin Act 20] Section 9418 (7m) CHILDLESS ADULT WAIVER; MEDICAL
3 ASSISTANCE FOR THE MEDICALLY INDIGENT; ELIGIBILITY FOR THOSE LEAVING FOSTER CARE.
4 The treatment of sections 49.45 (23) (b) (by SECTION 1048), 49.47 (4) (c) 1. and 3., and
5 49.471 (2) and (4) (a) 5. of the statutes takes effect on January 1, 2014.

6 **SECTION 8.** 2013 Wisconsin Act 20, section 9418 (9) is amended to read:

7 [2013 Wisconsin Act 20] Section 9418 (9) BADGERCARE PLUS BENCHMARK
8 ELIGIBILITY; BADGER RX GOLD; BADGERCARE BASIC. The treatment of sections 20.435
9 (4) (a), (bm), (jw), and (jz), 49.471 (4) (c), (10) (b) 5. (by SECTION 1152), and (11) (a),
10 49.67, 146.45, 227.01 (13) (ur), and 227.42 (7) of the statutes takes effect on January
11 April 1, 2014.

12 **SECTION 9. Effective dates.** This act takes effect on the day after publication,
13 except as follows:

14 (1) The treatment of sections 49.45 (23) (a) (by SECTION 1) and 49.471 (4) (a) 4.
15 b. of the statutes takes effect on April 1, 2014.

16 (2) The treatment of section 49.45 (23) (a) (by SECTION 2) of the statutes takes
17 effect on January 1, 2015.

18 (END)

Dodge, Tamara

From: Hurlburt, Waylon - GOV <Waylon.Hurlburt@wisconsin.gov>
Sent: Tuesday, November 26, 2013 8:35 AM
To: LRB.Legal
Cc: Kahler, Pam; Dodge, Tamara
Subject: RE: Draft Review: LRB -3678/1 Topic: Delay for three months the dissolution of HIRSP and the changes to BadgerCare Plus

As soon as I can get the Senate version jacketed, I will pick up together.

Thanks for turning these around so quick.

Waylon

From: LRB.Legal [<mailto:lrblegal@legis.wisconsin.gov>]
Sent: Tuesday, November 26, 2013 8:31 AM
To: Hurlburt, Waylon - GOV
Subject: RE: Draft Review: LRB -3678/1 Topic: Delay for three months the dissolution of HIRSP and the changes to BadgerCare Plus

I will jacket this for you right away ... it will be available for pick-up at our front counter.

Thanks,

Mike Barman (Lead Program Assistant)

State of Wisconsin - Legislative Reference Bureau - Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov

From: Hurlburt, Waylon - GOV [<mailto:Waylon.Hurlburt@wisconsin.gov>]
Sent: Tuesday, November 26, 2013 8:25 AM
To: LRB.Legal
Cc: Kahler, Pam; Dodge, Tamara
Subject: Draft Review: LRB -3678/1 Topic: Delay for three months the dissolution of HIRSP and the changes to BadgerCare Plus

Please Jacket LRB -3678/1 for the ASSEMBLY.